

*Bob  
file*

**MCDONNELL DOUGLAS**

*Electronics*

McDonnell Douglas Missile Systems Company

7 December 1990  
E070-PJJ-058

U.S. Environmental Protection Agency  
Region VII  
Waste Management Branch  
726 Minnesota Avenue  
Kansas City, KS 66101

RECEIVED  
DEC 13 1990  
PRMT-SECTION

Attention: Mr. Robert Steward

Enclosure: (1) MDMSC/MDESC Emergency Plan 11  
(2) Copies of 40 CFR 264 Subpart D

1. Attached is the 1990 revision to the MDC Tract V Contingency Plan (Encl (1)). Per the requirements of 40 CFR 264.50 through 264.54, this revised plan is submitted for your records.
2. The reason for this revision is to update the addresses and telephone numbers (pp 7-8) and the Spill Response Equipment List (pp 9-11). Per the requirements of 40 CFR 270.42, this revision is a Class I permit modification.
3. If you have any questions, please advise.



P. Joe Jansen  
Director  
Occupational Safety, Health,  
and Environmental Compliance



R00148139  
RCRA RECORDS CENTER

MDMSC/MDESC  
EMERGENCY PLAN 11  
HAZARDOUS WASTE SPILL - TRACT V

A. OBJECTIVE

The objective of this plan is to respond to notifications of accidents or incidents involving hazardous materials so that proper actions can be taken to contain, neutralize, and eliminate the hazardous condition and properly report and document actions taken. The goal is to provide for maximum protection of human health and the environment.

B. DEFINITIONS: None

C. GENERAL:

1. Hazardous waste spills for the purpose of this plan shall include:
  - a. Transportation incidents by a licensed transporter off the premises hauling MDESC-MDMSC wastes to an approved disposal or treatment site.
  - b. Storage tank breaks or leaks on premises.
  - c. Other container storage breaks or leaks on premises.
  - d. Handling incidents by material handling, maintenance or process personnel.
2. Spills are divided into two (2) degrees of severity, minor and major.

Minor spills are defined as those occurring in day by day operation, wherein a small amount of material is spilled in the work area. This type of spill does not cause release to the environment nor affects human health. Minor spills are cleaned up on the spot as part of good housekeeping practice. Collected spill material is placed in appropriate waste container for treatment according to the parameters for the hazardous material collected.

Major spills are defined as those occurring from some catastrophic event, including, but not limited to, tank rupture, container rupture, piping rupture, fire, explosion, pump failure, automatic control failure, etc. This type of spill could cause release to the environment and could affect human health.

3. Other hazards which may be associated with hazardous waste spills such as fires, injuries, electrical outages and evacuations shall be conducted under appropriate Emergency Procedures.
4. The Tract V Spill Response Team shall respond on all reported spills occurring as a result of activities conducted on MDC Tract V St. Charles. The team shall consist of a coordinator and team members.
  - a. Tract V Spill Response Team Coordinator - The Director-Occupational Safety and Health and Environmental Compliance (hereinafter referred to as Director-OSHEC) has primary authority as coordinator. In his absence the primary authority shall succeed as listed in Appendix 1. The coordinator has the necessary authority to; call in outside spill response contractors, notify the St. Charles Fire Department, and notify External Relations Offices.
  - b. Tract V Spill Response Team Members - Appendix 1 contains a list of the members of the Tract V Spill Response Team. The team is a trained group of individuals, who under the direction of the coordinator perform actions to contain, neutralize, cleanup, and otherwise remediate hazardous waste spills. The team is also responsible for notifications and preparation of spill reports. The team consists of hazardous material technicians and specialists as defined by 29 CFR 1910.120. Security services have been trained at first responder awareness level.
5. Points of contact for any spill incident shall be MDESC-MDMSC Security Services. The Tract V Spill Response Team Coordinator shall be contacted as appropriate. The coordinator shall determine which procedures listed in Section D will be followed.

D. RESPONSIBILITIES AND PROCEDURES:

1. Spill Off-Site

- a. By Federal Regulation a transporter must cleanup any hazardous waste discharge that occurs during transportation or take such action as may be required by Federal, State or local officials. Through notification from one of these agencies, MDESC-MDMSC could become involved in cleanup of a spill of MDESC-MDMSC waste enroute to disposal or treatment site.
- b. Notification of off-site spill:
  - (1) Director-OSHEC is listed as emergency contact on all Hazardous Waste Manifests.
  - (2) Notification of a spill by a transporter of MDESC-MDMSC hazardous waste will be received during working hours by Director-OSHEC. In his absence, the alternate spill response team coordinator shall be contacted.
  - (3) During non-working hours, the notification will come to the MDESC-MDMSC Security Services who will relay any message to Director-OSHEC or in his absence, the alternate spill response team coordinator.
- c. The Tract V Spill Response Team shall notify the following personnel of the spill:  
(See Appendix 1 for telephone numbers)
  - (1) Director - Facilities (St. Charles) Emergency Control Officer Tract V MDC
  - (2) Manager - Plant Engineering
- d. Two (2) members of the Tract V Spill Response Team will, by quickest available transportation, go to the spill site to assist local remedial efforts and document the situation.

2. Minor Spills On-Site

- a. Minor spills within the processing areas will be cleaned up by department personnel.

- b. Minor spills in storage areas or spills occurring during on-site transit will be cleaned up by Material Handling Personnel and/or Production Control Personnel.
  - c. Minor spills in maintenance areas will be cleaned up by Maintenance personnel.
  - d. Minor spills shall be reported to the Supervisor (HWTF) by the personnel knowledgeable of the spill.
3. Major Spills On-Site
- a. Major spills involving danger to life or property (example; Storage Tank Rupture) will be contained and cleaned up without delay. Cleanup will be done under supervision of Department responsible for the area and the Tract V Spill Response Team Coordinator with the assistance of the Tract V Spill Response Team.
  - b. The Security Services shall secure the spill area and determine the degree of evacuation if required, with the assistance of the Tract V Spill Response Team Coordinator. Security Services will notify additional persons listed in Appendix 1 as directed by the coordinator. The Tract V Spill Response Team Coordinator is to supervise and direct the efforts of the spill response team and the department responsible for the area. The coordinator is also responsible for coordinating the efforts of the spill response team with other response teams as appropriate based on evaluation of the situation.
  - c. The Tract V Spill Response Team Coordinator shall assure the safety of the spill response team and personnel in the area of the spill by appointing a Site Safety and Health Supervisor who will determine the zone of contamination and the buffer zone boundaries. Access through the buffer zone shall be controlled by MDESC-MDMSC Security Services as directed by the coordinator. Members of the Tract V Spill Response Team shall be identified by badge extenders. They shall give the access control Security Services Officer their badges when entering the buffer zone and don identifying personal protective equipment before entering the contamination zone.

- d. The Tract V Spill Response Team Coordinator shall assign responsibilities as necessary to remediate the spill as safely and efficiently as possible. The coordinator shall designate individuals to log entries into the spill log and to keep persons listed in paragraph D.1.c. advised as necessary. All external communication to the press shall be handled through the External Relations Offices.

#### 4. Resources

- a. The Tract V Spill Response Team Coordinator has the necessary authority to commit whatever resources necessary to safely and effectively remediate a hazardous waste spill.
- b. Appendix 2 contains a list of currently available spill control equipment and its location. All equipment listed in Appendix 2 shall be packaged and located for rapid response to spills on Tract V. Supervisor, Hazardous Waste Treatment Facility shall be responsible for verifying items listed in Appendix 2.
- c. As directed by the Tract V Spill Response Team Coordinator, the MDESC-MDMSC Quality Engineering Laboratory shall analyze material collected as a result of a spill for any hazardous material present. Based on analysis, the material will be treated or disposed of in compliance with environmental laws and regulations.
- d. Every effort shall be made to identify the hazardous waste spilled and proper remedial actions. Sources of information include but are not limited to; labels, material safety data sheets, UN ID numbers, shipping papers, hazardous materials commodity lists, emergency response guidebooks, and information from knowledgeable personnel.

#### 5. Reports

- a. Under the direction of the Tract V Spill Response Team Coordinator, either MDESC-MDMSC Security Services or the spill response team shall notify the following personnel as necessary.
  - (1) St. Charles Fire Department
  - (2) Off-Site Spill Contractor

(3) External Relations

(4) Federal, State, and Local Agencies

- b. A member of the Tract V Spill Response Team designated by the coordinator shall make the required environmental reports concerning spill incidents to the appropriate governmental agencies.
- c. A post spill report will be made by Director-OSHEC for all major spills and off-site spills. The report will include; cause, action taken, and recommendations for prevention of similar accidents. Distribution will be made to persons listed by title in paragraph D.1.c.

TELEPHONE NOTIFICATION LIST

PRIMARY POINT OF CONTACT	OFFICE	HOME	PAGER	ADDRESS
TRACT V SPILL RESPONSE TEAM				
1. Director-OSHEC P. Joe Jansen	8-232-8948	314-441-5648	*8-235-8197	2860 La Brea St. Charles, MO 63303
2. Supervisor-Hazardous Waste Treatment Fac. Gary S. Szczepanski	8-226-4420	9-946-5710	*8-235-9429	3229 Schaffner Dr. St. Charles, MO 63301
3. Bldg 509 - On Duty Specialists			*8-314-871- 5129	
4. Spill Response Trainer Elmer Dwyer	8-226-4184	8-314-925-1430		3112 Hawk St. Charles, MO 63301
5. Tim H. Peachee	8-226-4184	8-314-947-9127		25 Jumping Frog Ct. St. Charles, MO 63303
6. Mike R. Ward	8-226-4184	8-314-928-1386		1317 Nutmeg St. Charles, MO 63301
7. Gary S. Buford	8-226-4184	8-314-272-3375		2510 Merribrook Ln. O'Fallon, MO 63366
8. Mark J. Sasek	8-226-4907	8-314-531-0845	*8-235-6193	4375A Maryland Ave. St. Louis, MO 63108
9. Greg L. Pressy	8-226-4267	8-314-724-7473		642 Riverview Lane St. Charles, MO 63301
10. Leonard H. Carter	8-226-4267	8-314-522-9985		437 Thomas St. Louis, MO. 63135
11. Kenny O. Grisson	8-226-4267	8-314-356-9816		117 Darla Ct. Moscow Mills, MO 63362

\*After tone, enter your telephone number followed by #, after tone, hang up.



MANAGEMENT	OFFICE	HOME
Director Facilities Tract-( ) J. R. Lambert	8-226-4620	8-314-625-2706
Senior Staff Manager-OSHEC H. J. Kruger	8-234-8173	
Director Human Resources H. A. Patterson	233-8330	8-314-838-8666
Manager Plant Engineering R. L. Johnson	8-226-4614	8-314-928-5585
EXTERNAL RELATIONS	OFFICE	HOME
Director MDESC Communications Susan Flowers	8-703-883-4927	
Communications-MDMSC Tom Young	8-233-5952	8-314-537-2914
Director Public Relations-MDC Pete Sloan	8-232-2300	8-314-537-9016
ST. CHARLES FIRE DEPARTMENT (Call only for spills on site or in the City of St. Charles--911)		
OFF-SITE SPILL CONTRACTOR (Telephone Number will be supplied by coordinator)		
GOVERNMENTAL AGENCIES  (Only the coordinator shall authorize contact of governmental agencies)		
MO DNR	8-314-634-2436	
EPA Region VII	8-913-236-3778	
National Response Center	9-800-424-8802	
East-West Gateway	8-314-421-4220	
St. Charles Emergency Mangement Agency	8-949-3023	
St. Louis Regional Office DNR	9-849-1313	
St. Charles Water Pollution Control	9-949-3237 (Day)	
	9-949-3366 (Night)	

SPILL EQUIPMENT LIST

<u>ITEM</u>	<u>LOCATION</u>
<u>METERS</u>	
Oxygen Meter	Bldg 509 Control Room Bldg 506 Room 442
Atmospheric Pollutant Analyzer	Bldg 509 Control Room Bldg 506 Room 442
Radiation Meter	Bldg 506 Room 442
Air Toxics Detector	Bldg 509 Control Room Bldg 506 Room 442
<u>COMMUNICATIONS</u>	
Two-Way Radio	Bldg 506 Maintenance Office
Communications Equipment 153.065 MHz WXY879	Bldg 500 GS Bldg 598 Maintenance
Portable Megaphone	Bldg 509 Control Room Emergency Locker
<u>PPE</u>	
Chemical Suits, Gloves, & Boots	Bldg 509 SRT Bldg 509 Control Room Bldg 598 WWTP
Fire Protection Equipment & Fire Response	Bldg 509
Portable Foam Extinguishers	Bldg 509 Bldg 598 WWTP
Portable Foam Nozzle Hose System	Bldg 509 South Sandbag Container
Confined Space Entry Kit	Bldg 506 Room 442
Airline Respirators	Bldg 598 Chem Process Room Bldg 598 Compressor Room

SPILL EQUIPMENT LIST

<u>ITEM</u>	<u>LOCATION</u>
<u>PPE (Continued)</u>	
Scott Air Packs and Bottles	Bldg 598 WWTP Bldg 598 Chem Process Room Bldg 509 Control Room Bldg 508 Guard Desk Bldg 508 Wet Process Area Bldg 500 Shipping/ Receiving Bldg 500 Alodine Room Bldg 506
<u>PUMPS</u>	
Acid Buggy with 500 Gallon Tank	Bldg 509
Electric Drum Pump 18 GPM	Bldg 509 SRT
Pump - Gasoline Engine	Bldg 509
M-4 Portable Wilden Air-Diaphram Pump	Bldg 509
<u>SPILL CONTAINMENT</u>	
Sandbags	Bldg 509
Absorbent Grandules	Bldg 509 SRT Bldg 598 Bldg 506 Bldg 598 WWTP
Absorbent Pads (Socks)	Bldg 509 SRT Bldg 598 WWTP
Acid Neutralizing Chemicals	Bldg 509 SRT Bldg 508 Bldg 598 Bldg 598 WWTP

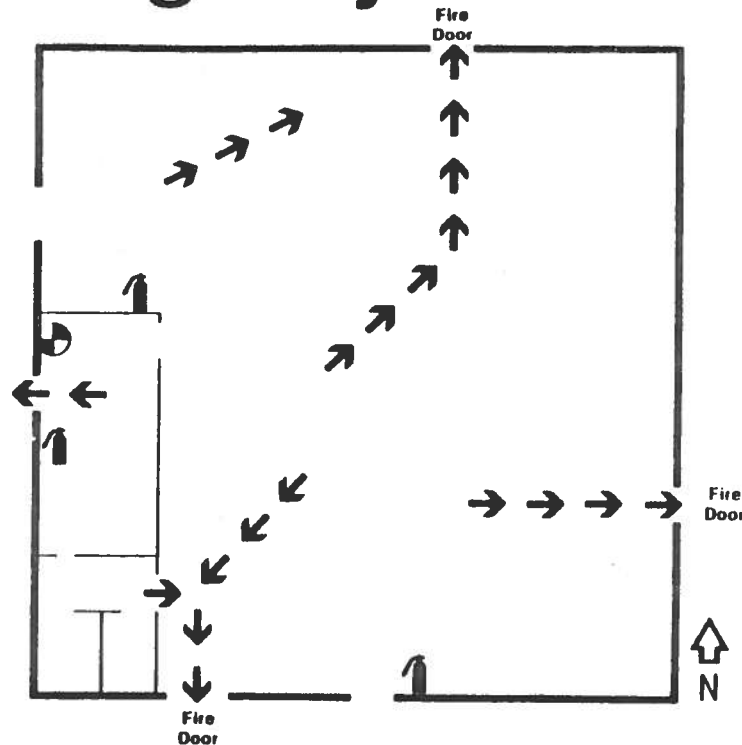
SPILL EQUIPMENT LIST

<u>ITEM</u>	<u>LOCATION</u>
<u>MISCELLANEOUS</u>	
Portable Exhaust Fan	Bldg 509
Floodlights	Bldg 509 SRT
Generator 2.5 KW	Bldg 509 SRT
Tractor with Scoop	Bldg 506B
Assorted Hand Tools	Bldg 509 SRT Bldg 598 WWTP
Empty Drums	Bldg 509 Bldg 598 WWTP
Hand Trucks/Drum Trucks	Bldg 500 Shipping Bldg 500 Alodine Bldg 509 Bldg 508 Bldg 598



# Building Emergency Plan

Bldg 509



## In Case of **Fire:**

Alarm: **Whooping Horn**

### Protective Measures:

- Do Not Run
- Do Not Use Elevator
- Do Not Attempt to Control a Fire Unless it is Extinguishable
- Evacuate Building by Nearest Exterior or Emergency Exit

## In Case of **Tornado:**

Alert: **A "Warbling" Tone on PA System**

### Protective Measures:

- Do Not Run
- Do Not Use Elevator
- Proceed to Lowest Floor of Building
- Get As Close to the Center of the Building and as far Away From the Windows as Possible
- Kneel or Sit on Floor Until the All Clear Announcement Has Been Made by Voice
- Close Blinds or Drapes if Time Permits



Fire Extinguisher



You Are Here



Evacuation Route

§ 264.36 [Reserved]

§ 264.37 Arrangements with local authorities.

(a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

(1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

(3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

**Subpart D—Contingency Plan and Emergency Procedures**

§ 264.50 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities, except as § 264.1 provides otherwise.

§ 264.51 Purpose and implementation of contingency plan.

(a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires,

explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

(Approved by the Office of Management and Budget under control number 2050-0011)

[45 FR 33221, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

§ 264.52 Content of contingency plan.

(a) The contingency plan must describe the actions facility personnel must take to comply with §§ 264.51 and 264.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(b) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with Part 112 of this chapter, or Part 1510 of Chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this part.

(c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 264.37.

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see § 264.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. For new facilities, this information must be supplied to the Regional Administrator at the time of certification, rather than at the time of permit application.

**Environmental Protection Agency**

(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

(Approved by the Office of Management and Budget under control number 2050-0011)

[45 FR 33221, May 19, 1980, as amended at 46 FR 27480, May 20, 1981; 50 FR 4514, Jan. 31, 1985]

§ 264.53 Copies of contingency plan.

A copy of the contingency plan and all revisions to the plan must be:

(a) Maintained at the facility; and  
(b) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

[Comment: The contingency plan must be submitted to the Regional Administrator with Part B of the permit application under Part 270, of this chapter and, after modification or approval, will become a condition of any permit issued.]

(Approved by the Office of Management and Budget under control number 2050-0011)

[45 FR 33221, May 19, 1980, as amended at 48 FR 30115, June 30, 1983; 50 FR 4514, Jan. 31, 1985]

§ 264.54 Amendment of contingency plan.

The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

(a) The facility permit is revised;  
(b) The plan fails in an emergency;  
(c) The facility changes—in its design, construction, operation, main-

tenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

(Approved by the Office of Management and Budget under control number 2050-0011)

[45 FR 33221, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985; 53 FR 37935, Sept. 28, 1988]

§ 264.55 Emergency coordinator.

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

[Comment: The emergency coordinator's responsibilities are more fully spelled out in § 264.56. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.]

§ 264.56 Emergency procedures.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(2) Notify appropriate State or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and areal extent of any released materials. He may do this by observation or review of facility records or manifests, and, if necessary, by chemical analysis.

(c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health, or the environment, outside the facility, he must report his findings as follows:

(1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area, (in the applicable regional contingency plan under Part 1510 of this title) or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health, or the environment, outside the facility.

(e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure

that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

(f) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

[Comment: Unless the owner or operator can demonstrate, in accordance with § 261.3(c) or (d) of this chapter, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 262, 263, and 264 of this chapter.]

(h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(i) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities, that the facility is in compliance with paragraph (h) of this section before operations are resumed in the affected area(s) of the facility.

(j) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(1) Name, address, and telephone number of the owner or operator;

## Environmental Protection Agency

(2) Name, address, and telephone number of the facility;

(3) Date, time, and type of incident (e.g., fire, explosion);

(4) Name and quantity of material(s) involved;

(5) The extent of injuries, if any;

(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(7) Estimated quantity and disposition of recovered material that resulted from the incident.

(Approved by the Office of Management and Budget under control number 2050-0012)

[45 FR 33221, May 19, 1980, as amended at 50 FR 4514, Jan. 31, 1985]

### Subpart E—Manifest System, Recordkeeping, and Reporting

#### § 264.70 Applicability.

The regulations in this subpart apply to owners and operators of both on-site and off-site facilities, except as § 264.1 provides otherwise. Sections 264.71, 264.72, and 264.76 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources. Section 264.73(b) only applies to permittees who treat, store, or dispose of hazardous wastes on-site where such wastes were generated.

[50 FR 28746, July 15, 1985]

#### § 264.71 Use of manifest system.

(a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator, or his agent, must:

(1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

(2) Note any significant discrepancies in the manifest (as defined in § 264.72(a)) on each copy of the manifest;

[Comment: The Agency does not intend that the owner or operator of a facility whose procedures under § 264.13(c) include waste analysis must perform that analysis before signing the manifest and giving it to the transporter. Section 264.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(3) Immediately give the transporter at least one copy of the signed manifest;

(4) Within 30 days after the delivery, send a copy of the manifest to the generator; and

(5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(b) If a facility receives, from a rail or water (bulk shipment) transporter, hazardous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

(2) Note any significant discrepancies (as defined in § 264.72(a)) in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper.

[Comment: The Agency does not intend that the owner or operator of a facility whose procedures under § 264.13(c) include waste analysis must perform that analysis before signing the shipping paper and giving it to the transporter. Section 264.72(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.]

(3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

(4) Within 30 days after the delivery, send a copy of the signed and dated manifest to the generator; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

[Comment: Section 262.23(c) of this chapter requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).]